

HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 9033 of 2016

ORDER:

The petitioner has filed the present writ petition seeking writ of mandamus, to declare the action of respondent No.3 in calling the petitioner to the police station and detaining him there for hours together, and interfering in civil matters, at the behest of unofficial respondent No.4, as illegal and arbitrary; and consequently sought for a direction to respondent No.3 not to interfere in civil disputes.

2. Heard the arguments of learned counsel for the petitioner and learned AGP (Home).

3. Learned AGP (Home) submits that respondent No.3 has filed counter affidavit, denying the allegations that the police have called the petitioner on 10.03.2016 and 11.03.2016 to the police station to settle the disputes with unofficial respondents.

4. It is pertinent to note that this Court, by order dated 18.03.2016 in W.P.M.P. No.11440 of 2016 has directed the 3rd respondent not to interfere in civil

disputes. The said order dated 18.03.2016 reads as under:

“W.P.M.P. No.11440 of 2016

As it is asserted that the police authorities are interfering in civil disputes, there shall be a direction to the 3rd respondent not to interfere in civil disputes or pressurise settlement thereof. The 3rd respondent shall be mindful of his jurisdiction under criminal law and not exceed the same.”

5. This Court in **Darapaneni Krishna Murthy v. Superintendent of Police and Ors.**¹, held as under:

“7. In a society governed by rule of law, the State or its subordinates cannot be permitted to act in a manner, which would violate the constitutional or legal rights of its subjects. If the allegations contained in the affidavit are true, the action of the respondents is in flagrant violation of the life and liberty of the petitioner guaranteed by Article 21 of the Constitution of India. It is no part of the duty of the respondents to interfere with the civil disputes between two private parties unless the Court of competent jurisdiction directs granting of aid to comply with the orders of the Court.”

5. In the light of the decision of this Court in **Darapaneni (1 supra)**, the writ petition is disposed of by making absolute the interim order passed in W.P.M.P.No.11440 of 2016, dated 18.03.2016. No costs. Miscellaneous petitions, pending if any, shall also stand disposed of.

GUDISEVA SHYAM PRASAD, J

26th April, 2018
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¹ 2008 (4) ALD 105

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